

EXHIBIT 3

0115 DIGNITY FOR ALL STUDENTS: PROHIBITING BULLYING, DISCRIMINATION AND HARASSMENT OF STUDENTS

The Board of Education is committed to providing a safe and productive learning environment within its schools. It is the commitment of the Board and the District that bullying of a student by another student or an employee of the District is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and activities whether occurring on or off campus. Bullying of a student by another student or an employee of the district is also prohibited outside of school if such conduct endangers the health or safety of a student or substantially disrupts the educational environment or can reasonably be expected to have such a consequence. The District will promptly address incidents of bullying, discrimination or harassment that may impede a student's ability to learn or a student's health or safety, promptly upon becoming aware of such incidents. Prohibition of bullying, discrimination and harassment will be incorporated in the District Code of Conduct and each school building's code of conduct.

Definitions

The term "*bullying*", as used in this policy and in the District Code of Conduct, means intentional and aggressive behavior that involves an imbalance of power or strength and is usually repeated over time. Bullying involves actions such as hitting or punching (physical bullying); teasing or name-calling (verbal bullying); or intimidation through gestures, social exclusion, spreading rumors, or manipulating social relationships (psychological bullying). Bullying may occur through a single negative act (depending on severity) or a series of acts that involve a real or perceived imbalance of power, i.e. where a more powerful (real or perceived) group of students or individual student engages in harassment of another student or group of students who is/are less powerful or perceived to be less powerful.

"*Cyberbullying*", as that term is used in this policy and in the District Code of Conduct, is a form of bullying, and is prohibited whether or not it involves the use of school facilities and equipment and whether it occurs in school or outside of school. "Cyberbullying" (also known as "electronic bullying") means the use of information technology such as the Internet, email, instant messaging services, blogs, cell phones and gaming systems to deliberately harass, threaten or intimidate others. Cyberbullying may also involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person; pretending to be someone else in order to malign that person; or intentionally excluding someone from an Internet-based group or activity.

"*Discrimination*", as that term is used in this policy, in the District Code of Conduct, and in the Board's policies and regulations on Equal Opportunity, is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of individuals because of the group, class or category to which that person belongs. Discriminatory conduct includes denial of access to facilities, the application of a dress code, or restrictions on the use of names or pronouns or the pronunciation of names if such actions are based on the group, class or category to which the person subjected to such conduct belongs.

"*Harassment*", as that term is used in this policy, in the District Code of Conduct, and in the Board's policies and regulations on Equal Opportunity, is the creation of a hostile environment by conduct or by threats, intimidation or abuse that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (c) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety. Harassment encompasses conduct or acts constituting threats, intimidation or abuse that occur on school property (irrespective of whether they occur during the school day) or off school property if such conduct or acts constituting threats,

intimidation or abuse create or foreseeably (i) would create a risk of substantial disruption within the school environment or (ii) would adversely affect the educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being of any individual or group of individuals.

"*Sexting*", as that term is used in this policy and in the District Code of Conduct, means the sending, receiving or forwarding of sexually provocative nude or nearly nude photographs through text messages or email which can be used to hurt, harass and humiliate others.

"*Threats, intimidation or abuse*", as used in this policy includes verbal and non-verbal actions.

Behavioral Expectations

The district expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment, consistent with the Code of Conduct. The Board believes that standards for student behavior must be met cooperatively through interaction among the parents, school administrators, school employees, volunteers, and students, creating an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property.

Prohibition of Bullying

No student will be subjected to bullying or harassment by employees or students on school property or at a school function. Nor will any student be subjected to discrimination because of their race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), color, creed, national origin, ethnic group, weight, religion, religious practice, gender or sexual orientation or disability. Further, no student will be subjected to bullying, harassment, or discrimination outside of school if such conduct endangers the health or safety of a student within the education system or adversely affect the educative process, or can reasonably be expected to have such a consequence.

Reporting of Allegations of Bullying/Cyberbullying Behavior

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying/cyberbullying, is expected to report the behavior to any staff member or to the Building Principal or Assistant Principal. A staff member who receives such a report or complaint, or who has knowledge of or witnesses such conduct, will report such information immediately to the Building Principal or Assistant Principal (the "building administrator"), the building Dignity Act Coordinator, or the Superintendent. Such report must be made no later than one school day after the staff member witnesses harassment, bullying or discrimination, or receives an oral or written report of such conduct. The building administrator will promptly inform the Superintendent of Schools or his/her designee of the complaint or report; will expeditiously investigate such complaint or report; and will take appropriate action reasonably calculated to end any improper conduct found to have occurred, to create a more positive school environment, to prevent recurrence of the conduct, and to protect the safety of the student or students against whom such harassment, bullying or discrimination was directed. The building administrator's actions in response to a complaint or report of harassment, bullying or discrimination may include referral of the matter to the Superintendent or his/her designee for appropriate action. Further, if the Building Principal or Assistant Principal determines that such conduct may constitute Child Abuse in the Educational Setting, the building administrator will take such actions required to report the incident in accordance with law and with District policy. Allegations

of bullying/cyberbullying will be treated as confidential and private to the extent possible within legal constraints.

No Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind. Any retaliatory action against any complainant, victim, witness, and/or other individual who participated in the investigation of a complaint or report of bullying/cyberbullying is strictly prohibited, and the commission of such acts will subject the perpetrator of such retaliation to consequences under the District Code of Conduct (if a student) or other appropriate corrective action (if a non-student).

Prevention and Intervention

The Board will appoint, at its annual Organizational Meeting, a Dignity Act Coordinator for each school in the district. It will be the responsibility of the building Dignity Act Coordinator to be knowledgeable about bullying prevention, to provide staff development and training in bullying prevention, to work with staff to implement programs and to involve students in bullying prevention and awareness activities. The Board will also appoint, at its annual Organizational Meeting, a District Dignity Act Coordinator, who may be one of the building Dignity Act Coordinators or another staff member. Staff training will be provided, as appropriate, to raise awareness of the problem of bullying/cyberbullying within the District's schools and to facilitate staff identification of and response to bullying/cyberbullying behavior by students, and to reinforce to all staff members their responsibility to become actively involved in the prevention of bullying before overt acts occur and to report and address acts of bullying of which they become aware.

Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. Prevention and intervention techniques within the District to prevent against bullying/cyberbullying behavior and to support and protect victims will include building-level and classroom-level strategies and activities. Individual intervention will be provided by appropriate staff members to bullies, victims and their parent(s)/guardian(s) to address and eliminate bullying/cyberbullying conduct.

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the alleged victim. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the victim of the bullying. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Incident Reporting and Investigation

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required to make an oral report to the building principal, the building DAC, the athletic director, or the Superintendent within one school day and to fill out the district

reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, the district's Code of Conduct.

An equitable and thorough investigation will be carried out by the building principal or assistant principal in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the alleged victim and the alleged harasser as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted in accordance with the district's Code of Conduct.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

Reporting to State of Bullying/Cyberbullying Incidents

The District will report to the State Education Department all incidents of alleged bullying/cyberbullying insofar as such conduct is within a reporting system designated by the State Education Department.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each building principal will regularly report to the Superintendent data and trends observed within his/her school regarding harassment, bullying and discrimination. The Superintendent will evaluate the information received from building principals and, as appropriate, recommend revisions to the

district's policies and regulations concerning bullying/cyberbullying or to the district's Code of Conduct.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

Communication of Policy

Annually, the district will provide all school employees, students and parents with a written or electronic copy of its policy and regulations concerning harassment, bullying and discrimination, or a plain-language summary of the policy and regulations, which will include notification of the process by which students, parents and employees can report harassment, bullying and discrimination. Such distribution will be in conjunction with the annual distribution of the Code of Conduct.

The district will maintain a copy of the policy and regulations concerning harassment, bullying and discrimination on its website, along with the reporting forms for use by staff members, parents, students, or other individuals to report suspected harassment, bullying or discrimination.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110, Sex Discrimination and Sexual Harassment

0110-R, Sexual Harassment Regulation

0115-R, Student Harassment and Bullying Prevention and Intervention Regulation

0115-E, Dignity for All Students Exhibit (reporting forms)

4321, Programs for Students with Disabilities

5300, Code of Conduct

5465, Child Abuse in an Educational Setting

Ref:

Dignity for All Students Act, [Education Law, §10 - 18](#)

Americans with Disabilities Act, [42 U.S.C. §12101](#) *et seq.*

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d](#) *et seq.*

Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e](#) *et seq.*; [34 CFR §100](#) *et seq.*

Title IX, Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.*

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)

Individuals with Disabilities Education Law, [20 U.S.C §§1400](#) *et seq.*

[Executive Law §290](#) et seq. (New York State Human Rights Law)

[Education Law §§313\(3\), 3201, 3201-a](#)

[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)

Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)

Pollnow v. Glennon, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Faragher v. City of Boca Raton](#), 524 U.S. 775 (1998)

[Burlington Industries v. Ellerth](#), 524 U.S. 742 (1998)

[Oncale v. Sundowner Offshore Services, Inc.](#), 523 U.S. 75 (1998)

[Franklin v. Gwinnett County Public Schools](#), 503 U.S. 60 (1992)

[Meritor Savings Bank, FSB v. Vinson](#), 477 U.S. 57 (1986)

Appeal of K.S. 43 Ed. Dept. Rep. 492

Appeal of Ravick 40 Ed. Dept. Rep. 262

Appeal of Orman 39 Ed. Dept. Rep. 811

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Croton-Harmon Schools
